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FILED

JUL 26 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

6 Defendant Specially Appearing

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 CALIFORNIA ENVIRONMENTAL
14 PROTECTION ASSOCIATION, a
15 California corporation,
16 Plaintiff
17 v
18 DEN BESTE YARD AND GARDEN, INC., a
19 California corporation,
20 Defendant

) Case Number: 4:16-cv-03914 KAW
)
1) SPECIALY APPEARING
2) DEFENDANT PAUL DEN BESTE'S
3) ASSIGNMENT OF DEFENSE IN
4) THIS MATTER TO PATRICK BULMER
5) OF CALIFORNIA RECEIVERSHIP
6) SERVICES
7)

18 The "FIFTH AFFIRMATIVE DEFENSE INDEMNIFICATION BY RECEIVERSHIP"
19 contained in the filed herewith "ANSWER BY SPECIAL APPEARANCE DISMISSAL WITH
20 PREJUDICE DUE TO FAILURE TO PROSECUTE AND FOR PERJURY AND DUE TO
21 PENDING ONGOING RECEIVERSHIP" demonstrates that court appointed receiver Patrick
22 Bulmer was and remains responsible and liable for any alleged violations alleged in the instant
23 COMPLAINT FOR INJUNCTIVE RELIEF, CIVIL PENALTIES, AND REMEDIATION.

24 In particular, paragraph (c) of **Exhibit A** attached to the ANSWER BY SPECIAL
25 APPEARANCE DISMISSAL WITH PREJUDICE DUE TO FAILURE TO PROSECUTE AND
26 FOR PERJURY AND DUE TO PENDING ONGOING RECEIVERSHIP filed herewith,
27 SPECIALY APPEARING DEFENDANT PAUL DEN BESTE' ASSIGNMENT OF
28 DEFENSE IN THIS MATTER TO PATRICK BULMER OF CALIFORNIA RECEIVERSHIP
SERVICES

1 commencing on page 8 to page 9 of said **Exhibit A** states with emphasis added;

2 (c.) The Receiver may, in his discretion , operate and conduct Den Beste
3 Yard & Garden, Inc. in the ordinary and usual course of business, to preserve and
4 maintain said business pending hearing on the order to show cause to confirm
5 Receiver's appointment Receiver is hereby authorized to employ servants, agents,
6 employees, clerks and accountants to purchase materials, supplies, and services
7 and to pay therefore at ordinary and usual rates and prices out of funds that shall
8 come into his possession as such Receiver; to bring suit in his own name without
9 further leave of court as the Receiver deems necessary to protect, preserve and
10 maintain the rights, privileges and property of the receivership estate; to
11 compromise debts and to do all things and to incur the risks and obligations
12 ordinarily incurred by owners, managers, and operators of similar properties and
13 enterprises and that no such risk or obligation so incurred shall be the personal
14 risk or obligation of said Receiver but shall be a risk or obligation of the
15 Receivership Estate, **Without limiting the generality of the foregoing, the**
16 **Receiver shall have the exclusive right to exercise all powers, privileges, and**
17 **rights of the Judgment Debtors with respect to any stocks, bonds,**
18 **partnership interests, licenses, permits, authorizations, and the like**
19 **constituting or comprising the Property, including, but not limited to, voting**
20 **and proxy rights, if any,**

21 Therefore, pursuant to paragraph (c) above, specially appearing defendant Paul Den
22 Beste herein and hereby tenders defense of this matter to Patrick Bulmer of California
23 Receivership Services which is demonstrated by the proof of service submitted herewith.

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29 Paul Den Beste

SPECIALLY APPEARING DEFENDANT PAUL DEN BESTE' ASSIGNMENT OF
DEFENSE IN THIS MATTER TO PATRICK BULMER OF CALIFORNIA RECEIVERSHIP
SERVICES